

Attachment to Independent Case Review Report  
For CDRU # 4841 Case file # 95-255841.

Material Examiner: Malone (RO)

Remarks:

Case resulted in a trial, testimony transcript not provided.

CRM - 2033

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: David W. Hall

Area(s) of Expertise: Forensic Botany

Review commenced at: 10:10 AM (Time), 22 Sept, 04 (Date)

File #: 95-255841

Laboratory #(s): 30610049 S UC US RR VM  
30829038 S UC LY VM RR RU  
?

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>Malone (RR)</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: None

Testimony Date(s): \_\_\_\_\_ Pages: \_\_\_\_\_

Laboratory Report(s):

Laboratory Number: 30829038 S UC US VM Date: 2 Dec, 1983

Laboratory Number: RR RU Date: \_\_\_\_\_

Laboratory Number: 30610049 S UC US RR VM Date: 15 Aug, 1982

Examiner Bench Notes of: Malone (RR)  
30829038 UC US VM RR RU

Laboratory Number: \_\_\_\_\_  
30610049 S UC US RR VM

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Initials: DWH

Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

### Results of Review

File #: 95-255941 Item or Specimen # Reviewed: \_\_\_\_\_

#### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

#### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

Transcript not available.

- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
- 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
- 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

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Initials: PWS

Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

File #: 95-255841

1) No mention of equipment, resources, techniques, etc.  
conclusion for origin of one leaf documented.

2) No mention of numbers of evidence in each sample, conditions  
of samples, how packaged, were unknown samples  
submitted to other professionals or was it recommended?  
conclusion of similar leaves (with regard to Willow Oak ID)  
incorrect--- they are the same species. How would you  
determine they are similar? could apply to hundreds of  
millions of leaves

Review completed at: 10:50 AM (Time), 22 Sept, 2004 (Date)

Total time spent conducting review (to nearest 1/4 hour): 0.75 hr

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review  
are fully documented on this report consisting of a total of 27 pages.

David W. Hall

(Signature)

22 Sept. 2004

(Date)

Page 3 of 3

Initials: DWH

Attachment to Independent Case Review Report  
For CDRU # 4841 Case file # 95-255841.

Material Examiner: Rudolph (US)

Remarks:

After research it has been determined that the Laboratory worksheet (30622037) of Examiner Rudolph (US) is missing from the case file at the time of review by the Independent Scientist.

Case resulted in a trial, testimony transcript not provided.

CRM - 2035

INDEPENDENT CASE REVIEW REPORT

Independent Review conducted by: Allan N. Walters

Area(s) of Expertise: explosives analysis

Review commenced at: 10:10 AM (Time), 9/30/04 (Date)

File #: 95-255841

Laboratory #(s): 30622037 SUC US  
30629043 SUC US  
30610049 SUC US RQ VM

Examiner(s) & Symbols

	Reviewed	Not Reviewed		Reviewed	Not Reviewed
<u>Rudolph (US)</u>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	_____	<input type="checkbox"/>	<input type="checkbox"/>

Materials Reviewed

Trial testimony transcript(s) of: NONE

Testimony Date(s): \_\_\_\_\_ Pages: \_\_\_\_\_

Laboratory Report(s):

Laboratory Number: 30610049 Date: 8/15/1983  
Laboratory Number: 30629043 Date: ↓  
Laboratory Number: 30622037 Date: ↓

Examiner Bench Notes of: Rudolph

Laboratory Number: 30610049 SUC US RQ VM  
30622037 SUC US  
30629043 SUC US

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Initials: AW

CRM - 2036

Was any other material reviewed?  Yes  No

If yes, please identify and/or describe the material:

data

XRD, IC instrument

### Results of Review

File #: 95-255841

Item or Specimen # Reviewed:

Q2, Q8, Q15, Q16,

Q17

#### Review of Laboratory Report(s) and Bench Notes:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

- 1) Did the examiner perform the appropriate tests in a scientifically acceptable manner, based on the methods, protocols, and analytic techniques available at the time of the original examination(s)?  
 Yes  No  Unable to Determine
- 2) Are the examination results set forth in the laboratory report(s) supported and adequately documented in the bench notes?  
 Yes  No  Unable to Determine

#### Review of Testimony:

Note: Numbered comments are required below or on additional pages for any "No" or "Unable to Determine" Responses

Transcript not available.

- 3) Testimony consistent with the laboratory report(s)?  Yes  No  Unable to Determine
- 4) Testimony consistent with the bench notes?  Yes  No  Unable to Determine
- 5) Testimony within bounds of examiner's expertise?  Yes  No  Unable to Determine

Page 2 of 3

Initials: AW

Comments

(Set forth by above question #, if applicable.  
Use "Additional Comments" Sheet, if needed)

File #: \_\_\_\_\_  
\_\_\_\_\_  
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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Review completed at: 10:40 AM (Time), 9/30/04 (Date)

Total time spent conducting review (to nearest 1/4 hour): 1/2

I hereby certify that I conducted this review in an independent, unbiased manner and that the results of my review are fully documented on this report consisting of a total of 3 pages.

Allan J. Walters 9/30/04  
(Signature) (Date)



Review # 3-22

Bufile # 95-255841

I remember this case and did testify in it. There are two basic conclusions reached. One analysis was of material taken from two dynamite wrappers and what we found was consistent with dynamite. We found NG/EGDN and nitrate ion which is consistent with dynamite. The second conclusion was based on an analysis of the black substance found on one of the specimens. It physically was consistent with a DuPont Tovex sample and had MMAN in it, which at that time, only matched a DuPont water-gel. We could only identify that this stuff is DuPont's Tovex, and it was. The reviewer inquires why we combine two wrappers to detect sulfur. Actually, and I assume he knew, we did not combine the wrappers, just the material from them and ran one XRPD and got good results. It should be noted that when we analyzed these specimens we were under the impression that only DuPont's Tovex had MMAN as a constituent. Recently retired EU UC J. Christopher Ronay, now the president of the International Manufacturers of Explosives confirmed that during this time only DuPont was utilizing MMAN in their watergel/slurries.

3-22 96-HQ-255841 | 680 8 (Form 7-126 indicates that US testified in this case. IC analysis on Q17 indicates there may be MMA (monomethylamine). How can he conclude from this analysis that it is DuPont Tovex. There are other slurries that utilize methylamine nitrate as a sensitizer. Why are two wrappers combined on XRPD to detect sulfur? Very questionable conclusions are here. This case must be reviewed. Hold file.

CRM - 2042